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HOUSE BILL 28

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL LAW; PROHIBITING INTIMIDATION OF A
CRIMINAL JUSTICE OFFICIAL; PROHIBITING RETALIATION; PROVIDING
PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] INTIMIDATION OF A CRIMINAL JUSTICE
OFFICIAL--RETALIATION.--

A. Intimidation of a criminal justice official
consists of intimidating or threatening a criminal justice
official or a staff or family member of a criminal justice
official who is or may become involved in a judicial,
administrative, legislative or other official cause or
proceeding for the purpose of preventing or influencing a

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1 ruling, prosecution, investigation, testimony, report or
2 sentence.

3 B. Retaliation against a criminal justice official
4 consists of causing bodily injury to or damage to the property
5 of a criminal justice official or a staff or family member of a
6 criminal justice official, or threatening to do so, with the
7 intent to retaliate against the criminal justice official for a
8 ruling, prosecution, investigation, testimony, report or
9 sentence.

10 C. A person who commits intimidation of a criminal
11 justice official is guilty of a third degree felony.

12 D. A person who commits retaliation against a
13 criminal justice official is guilty of a second degree felony.

14 E. As used in this section:

15 (1) "criminal justice official" means a
16 justice, a judge, a magistrate, a special commissioner, a
17 hearing officer, a district attorney, a deputy district
18 attorney, an assistant district attorney, a senior trial
19 prosecutor, a chief public defender, a district public
20 defender, an assistant public defender, the attorney general, a
21 deputy attorney general, an assistant attorney general, a law
22 enforcement officer or a probation and parole officer or an
23 attorney if the intimidation or retaliation arose out of that
24 attorney's representation of a defendant in a criminal action;
25 and

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(2) "family member" means a person who is a husband or wife, parent or grandparent, child or grandchild or brother or sister by consanguinity or affinity."